

Message Text

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72

ACTION EB-07

INFO OCT-01 EUR-12 ISO-00 L-02 CAB-02 CIAE-00 COME-00

DODE-00 DOTE-00 INR-07 NSAE-00 FAA-00 /031 W

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R 051832Z MAR 75

FM AMEMBASSY LONDON

TO SECSTATE WASHDC 8940

INFO AMEMBASSY PARIS

AMEMBASSY BONN

USMISSION BERLIN

AMEMBASSY OTTAWA

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E.O. 11652: N/A

TAGS: EAIR, UK

SUBJ: CIVAIR - FIFTH FREEDOM CHARTER FLIGHTS

1. LOCAL OFFICES OF US SUPPLEMENTAL AIRLINES REPORT THAT BEFORE THEY ARE ALLOWED TO OPERATE ANY CANADA-UK CHARTER FLIGHT, UK AVIATION AUTHORITIES REQUIRE THAT "RIGHT OF FIRST REFUSAL" BE GIVEN NOT ONLY TO CANADIAN AND UK AIRLINES BUT ALSO TO OTHER ECAC MEMBER COUNTRY AIRLINES. ACCORDING TO US SUPPS, BRITISH SAY THEY HAVE ADOPTED THIS POLICY BECAUSE US DENIES BRITISH CARRIERS ANY FIFTH FREEDOM CHARTERS OUT OF US AND "FIRST REFUSAL RIGHT" IS EXTENDED TO OTHER EUROPEAN AIRLINES BECAUSE BRITISH ARE ALLOWED SOME FIFTH FREEDOM CHARTERS IN EUROPE.

2. IF IT TRUE THAT WE DO NOT ALLOW BRITISH AIRLINES TO OPERATE FIFTH FREEDOM CHARTERS FROM US, WE DO NOT BELIEVE WE COULD MAKE STRONG CASE AGAINST "FIRST REFUSAL RIGHT" BEING GIVEN BY UK AUTHORITIES TO BRITISH AND CANADIAN CARRIERS ON CHARTERS OUT OF CANADA. HOWEVER, EXTENSION OF FIRST REFUSAL RIGHTS TO OTHER EUROPEAN CARRIERS WOULD, IT SEEMS TO US, BE A DIFFERENT MATTER BECAUSE, IN EFFECT, BRITISH WOULD BE ALLOWING THESE CARRIERS ACCESS TO A FIFTH

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FREEDOM MARKET ON TERMS MORE FAVORABLE THAN ARE AVAILABLE

TO US OPERATORS. WE WOULD APPRECIATE DEPARTMENT'S VIEWS ON WHETHER BRITISH PRACTICE (ASSUMING US SUPPS REPORTS ARE ACCURATE) IS NOT DISCRIMINATORY AND THEREFORE CONTRARY TO TERMS OF US-UK FCN TREATY.

3. ON RELATED MATTER, WE HAVE PICKED UP RUMOR THAT BRITISH MAY INSIST THAT BRITISH AIRWAYS BE GIVEN FIRST REFUSAL RIGHT ON BERLIN-LONDON IT CHARTERS CONTRACTED BY PANAM. WOULD APPRECIATE ANY INFO DEPARTMENT, BONN, OR BERLIN CAN PROVIDE ON WHETHER RUMOR, IF ACCURATE, WOULD REPRESENT CHANGE IN PREVIOUS BRITISH PRACTICE RE BERLIN-LONDON CHARTERS.

RICHARDSON

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